

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LEO BEVERLY,)
)
 Plaintiff,)
)
 v.) Case No. 2:08-cv-01874-SLB-PWG
)
 E. J. MARTIN, *et al.*,)
)
 Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 17, 2009, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Although the plaintiff was advised that he may file specific written objections within fifteen days, he has failed to respond to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, this action is due to be dismissed for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1) . A Final Judgment will be entered.

DONE, this the 17th day of April, 2009.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE